

**W A R R A N T**

**THE COMMONWEALTH OF MASSACHUSETTS  
ESSEX, SS.**

To Either of the Constables of the Town of Andover

Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Elections and Town Affairs to meet and assemble at the designated polling place. All nine precincts: Precinct One, Precinct Two, Precinct Three, Precinct Four, Precinct Five, Precinct Five, Precinct Six, Precinct Seven, Precinct Eight and Precinct Nine are to vote at the Field House, Andover High School, Shawsheen Road, in said Andover, on

**TUESDAY, THE TWENTY-SECOND DAY OF MARCH, 2005**

at seven o'clock A.M. to act upon the following articles:

**ARTICLE 1.** To elect a Moderator for one year, one Selectman for three years, one School Committee member for three years and one member of the Andover Housing Authority for five years.

All of the above candidates are to be voted on one ballot. The polls will be open from seven o'clock A.M. to eight o'clock P.M.

After the final action on the preceding Article One, the said meeting shall stand adjourned by virtue of Chapter 39, Section 20 of the Massachusetts General Laws, to Monday, April 25, 2005, at seven o'clock P.M. in the Field House, Andover High School, Shawsheen Road, in said Andover, then and there to begin acting upon articles that follow in this warrant.

**ARTICLE 2.** To elect all other officers not required by law to be elected by ballot.

On request of the Town Clerk

**ARTICLE 3.** To establish the salaries of the elected officers for the ensuing year.

On request of the Town Clerk

**ARTICLE 4.** To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006 or take any other action related thereto.

On request of the Town Manager

**ARTICLE 5.** To see if the Town will vote to raise by taxation and appropriate the sum of \$2,177,000 for the purpose of funding the Fiscal Year 2006 appropriation for the Capital Projects Fund or take any other action related thereto.

On request of the Town Manager

**ARTICLE 6.** To see if the Town will vote to transfer from amounts previously appropriated at the 2004 Annual Town Meeting as authorized by MGL Chapter 44, Section 33B or take any other action related thereto.

On request of the Town Manager as recommended by the Finance Director

**ARTICLE 7.** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the April 2004 Annual Town Meeting or take any other action related thereto.

On request of the Town Manager as recommended by the Finance Director

**ARTICLE 8.** To see what amount the Town will vote to permit the Assessors to use in free cash to reduce the Fiscal Year 2006 tax rate and to affect appropriations voted at the 2005 Annual Town Meeting.

On request of the Town Manager as recommended by the Finance Director

**ARTICLE 9.** To see what disposition shall be made of unexpended appropriations and free cash in the treasury.

On request of the Town Manager as recommended by the Finance Director

**ARTICLE 10.** To see if the Town will vote the following consent articles or take any other action related thereto:

A. Grant Program Authorization

To see if the Town will vote to authorize the Board of Selectmen and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program or take any other action related thereto.

On request of the Town Manager

B. Road Contracts

To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the

construction and maintenance of public highways in the Town of Andover for the ensuing year or take any other action related thereto.

On request of the Town Manager

C. Town Report

To act upon the report of the Town officers or take any other action related thereto.

On request of the Town Manager

D. Property Tax Exemptions

To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for Fiscal Year 2006 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5 or take any other action related thereto.

On request of the Board of Assessors

E. Contracts in Excess of Three Years

To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

F. Accepting Easements

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept grants of easements for streets, water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interests of the Town or take any other action related thereto.

On request of the Town Manager

G. Granting Easements

To see if the Town will vote to authorize the Board of Selectmen and the School Committee to grant easements for water, drainage, sewer and utility purposes on terms and conditions the Board and the Committee deem in the best interests of the Town or take any other action related thereto.

On request of the Town Manager

H. Rescinding of Bond Authorizations

To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings or take any other action related thereto.

On request of the Finance Director

**ARTICLE 11.** To see if the Town will vote to appropriate \$1,500,000 for the purpose of paying costs of school building reconstruction and renovation and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3A) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the School Committee

**ARTICLE 12.** To see if the Town will vote to appropriate \$235,000 for the purpose of paying costs of purchasing and installing security cameras, remote lock systems, keyless lock sets and an access control system for all of the Town's School buildings, including the Town's School Administration Building, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7 Clause (9) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the School Committee

**ARTICLE 13.** To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years or take any other action related thereto.

On request of the Town Accountant

**ARTICLE 14.** To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements or take any other action related thereto.

On request of the Town Manager

**ARTICLE 15.** To see if the Town will vote to authorize the following revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2005 or take any other action related thereto:

<b>Revolving Fund</b>	<b>Authorized to Spend</b>	<b>Use of Fund</b>	<b>Revenue Source</b>	<b>FY-2006 Limit</b>
A. Community Development & Planning Department	Division Heads	Advertising legal hearing notice expenses for permit applications	Applicant Fees	\$40,000
B. Memorial Hall Library-Lost/Damaged Materials	MHL Director	Replacement of lost/damaged library materials	Restitution payments /charges to borrower or patron	\$20,000
C. Health Clinic	Public Health Director	Clinic supplies and other expenses	Clinic participant fees	\$20,000
D. Division of Community Services	Community Services Director	Trips, ticket sales and special programs and activities	Participant fees	\$260,000
E. Division of Youth Services	Youth Services Director	All programs and activities expenses, part-time help	Participant fees	\$175,000
F. Field Maintenance	Plant and Facilities Director	Field maintenance, upgrade and related expenses	Field rental fees	\$50,000
G. Division of Elder Services	Elder Services Director	Senior programs, classes and activities	Participant fees	\$200,000
H. Public Safety	Chief of Police	Maintenance and purchase of public safety radio and antennae equipment	Lease agreements for antenna users	\$50,000
I. Memorial Hall Library Audio/Visual	MHL Director	Purchase of audio/visual materials	Rental of audio/visual materials	\$36,000

On request of the Finance Director

**ARTICLE 16.** To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for special legislation for the creation of a Solid Waste and Recycling Trust Fund for the Town of Andover. All proceeds from the sale or disposal of solid waste and recycling materials, and the balance of the Town's Tip Fee Stabilization Fund and any other funds received

from the dissolution of the North East Solid Waste Committee, shall be deposited into said fund. The Town Treasurer shall be the custodian of said fund and may invest the proceeds as provided for by Section 54 of Chapter 44 of the General Laws. Any interest or dividends shall be added to and become part of said fund. The Treasurer shall report annually on said fund in the Annual Town Report. Any Annual or Special Town Meeting of said Town may appropriate by majority vote from said fund to pay any of the Town's financial obligations associated with solid waste and recycling, or for any other lawful purpose by two-thirds vote, or take any other action related thereto.

On request of the Town Manager

**ARTICLE 17.** To see if the Town will vote to create a Solid Waste and Recycling Stabilization Fund for the purpose of paying solid waste and recycling costs including costs incidental and related thereto, and to see if the Town will vote to transfer a sum of money from available funds and appropriate to the Solid Waste and Recycling Stabilization Fund all in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any other action related thereto.

On request of the Town Manager

**ARTICLE 18.** To see if the Town will vote to raise by transfer from and appropriate the balance of the Town's Tip Fee Stabilization Fund and any other funds received from the dissolution of the North East Solid Waste Committee, to be used with other funds to be provided by gift, grant or otherwise for the purpose of constructing, originally equipping and furnishing a youth center, and for other costs incidental and related to the project and its financing, or take any other action related thereto.

On petition of Brayden Hass, Andover Youth Action Council, and others

**ARTICLE 19.** To see if the Town will authorize the Board of Selectmen to take by eminent domain, to be held in the care, custody and control of the Conservation Commission, the following parcels of land, which were purchased by the Town for conservation purposes; and to award no damages for said eminent domain takings; or take any action related thereto.

Parcel 1. 226 Andover Street

That certain parcel of land in Andover, Essex County, Massachusetts, bounded and described as follows:

That certain parcel of land in Andover, Essex County, Massachusetts, containing 4.232 acres (184,337 square feet), more or less, shown as Parcel 2B on Plan of Land entitled "Plan of Land in Andover, MA, property of 230 Andover Street, LLC & Shawsheen Rubber Co., Inc." Scale 1"=5, dated August 18, 2004, drawn by Donohoe and Parkhurst, Inc. recorded at North Essex Registry of Deeds as Plan No. 14899.

Parcel 2. 226 Andover Street

That certain parcel of land in Andover, Essex County, Massachusetts, containing 1.000 acres (43,560 square feet) more or less, as shown as Parcel 2A on Plan of Land entitled "Plan of Land in Andover, MA, property of 230 Andover Street LLC & Shawsheen Rubber Co., Inc.," Scale 1"=50', dated August 18, 2004, drawn by Donohoe and Parkhurst, Inc., recorded at North Essex Registry of Deeds as Plan No. 14899.

Parcel 3. 15 Pettingill Road

A certain lot of land with the buildings thereon situated in that part of Andover called West Andover and being lots 7, 8, 9, 10, 11, 12, 13, 14, 16, 17 and 18 on a plan of land in said West Andover surveyed by O.F. Osgood, C.E., dated September 1888, and recorded with North District Essex Registry of Deeds, Plan No. 0106, to which plan reference may be made for a more particular description.

Parcel 4. 33 Oriole Drive

The land in said Andover being shown as Lot numbered seven (7) on plan of land entitled: "Subdivision and Acceptance Plan of Land in Andover, Owned by Fred W. Doyle" drawn by Andover Engineers, Inc., dated October 1956, recorded with North Essex Registry of Deeds as Plan No. 3449, said premises being substantially bounded and described as follows:

SOUTHERLY: By Oriole Road, one hundred fifty (150) feet;

WESTERLY: By a stone wall and an old roadway on four courses, totaling four hundred fifteen (84/100) (415.84) feet;

NORTHERLY: By lot numbered ten (10), sixty feet; and

EASTERLY: By lot numbered eight (8), four hundred four and 39/100 (404.39) feet.

Together with any and all rights in and to the old roadway lying to the West of the above within conveyed premises to its Northerly boundary.

Or take any other action related thereto.

On request of Town Counsel

**ARTICLE 20.** To see if the Town will vote to accept Great Heron Place as a public way and authorize the Board of Selectmen to acquire by eminent domain, gift, purchase, or otherwise any fee, easement or other interest in land known as Great Heron Place as shown on a plan entitled "SUBDIVISION PLAN OF LAND IN ANDOVER, MASS. OF GREAT HERON PLACE", dated Dec. 3, 1986 as prepared by Dana F. Perkins & Assoc., Inc. and recorded in the Essex North Registry of Deeds as Plan # 10646 and on file in the Office of the Town Clerk, and as constructed, and to award no damages for said taking or payment for said acquisition, or take any action related thereto.

On request of the Planning Division

**ARTICLE 21.** To see if the Town will vote to accept and name as a public way any or all of the following six (6) streets: Douglass Lane, Hitchcock Farm Road, Jordyn Lane, Mortimer Drive, Stirling Street and Whittemore Terrace as further described below:

A. Douglass Lane and Mortimer Drive, as shown on a plan approved by the Andover Planning Board entitled “Subdivision Plan of Land in Andover, Massachusetts, Douglass Crossing”, dated March 31, 1997 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 13137;

B. Hitchcock Farm Road, as shown on a plan approved by the Andover Planning Board entitled “Subdivision Plan of Land in Andover, Massachusetts, Hitchcock Farm Road”, dated December 23, 1987 and recorded in the Essex North District Registry of Deeds as Plan Number 11191;

C. Jordyn Lane, as shown on a plan approved by the Andover Planning Board entitled “DEFINTIVE PLAN SUDIVISION, JORDYN LANE ESTATES IN ANDOVER, MASSACHUSETTS (Essex County)”, dated August 4, 2000 (revised) and recorded in the Essex North District Registry of Deeds as Plan Number 13969;

D. Stirling Street and Whittemore Terrace, as shown on a plan approved by the Andover Planning Board entitled “DEFINTIVE SUBDIVISION PLAN OF LAND, STIRLING WOODS, ANDOVER MASSACHUSETTS”, dated January 20, 1998 and recorded in the Essex North District Registry of Deeds as Plan Number 13424;

or take any other action related thereto.

On request of the Board of Selectmen

**ARTICLE 22.** To see if the Town will vote to approve the actions of the Board of Selectmen in altering the layout of Chandler Road and Chongris Circle as public ways, as shown on plan of land entitled “Street Alteration Plan, Chongris Circle & Chandler Road, Andover, Massachusetts, prepared for Woodhill Construction Co., Inc., scale 1”=40’, dated 3/8/04,” drawn by MHF Design Consultants, Inc., which plan is on file with the Town Clerk, and in connection therewith, accepting those parcels of land shown on said plan as Parcels A, C, and D, to be conveyed to the Town for road widening purposes, and to pay no monetary consideration therefor, or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 23.** To see if the Town will vote to authorize the Board of Selectmen to enter into a renewal of the lease between the Town and the United States of America, Federal Aviation Administration, of land at the Town of Andover Water Treatment Plant, for the purpose of maintaining an Outer Marker and a Compass Locator Antenna servicing the Lawrence Municipal Airport, for a term of up to five years, on terms and conditions the Board deems in the best interest of the Town or take any other action related thereto.

On request of the Town Manager



**ARTICLE 24.** To see if the Town will vote to raise by taxation or by transfer from available funds and appropriate a sum not to exceed \$400,000 to the Accumulated Employee Benefit Account for funding accrued employee vacation and sick leave liabilities upon being eligible for retirement under the Andover Contributory Retirement System and terminating employment with the Town, or take any action related thereto.

On request of the Town Accountant

**ARTICLE 25.** To see if the Town will vote to authorize the Town Manager and Board of Selectmen to enter into an Agreement or Agreements with the City of Lowell and the Town of Tewksbury to provide water services to users of those services on the property located at 459 River Road, in the Town of Andover, and being more specifically identified as Lot 5 on Assessors Map 229, on terms and conditions deemed by the Town Manager and Board of Selectmen to be in the best interests of the Town, including a term of up to twenty-five (25) years, but with specific condition that the use of the land to be served by said water shall be limited to ten (10) single family homes, and the two existing buildings known as the Christian Formation Center and the Franciscan Friary, and that the use of the existing buildings shall be limited to religious, educational or charitable non-profit uses, and expressly prohibiting any other uses such as restaurants, nightclubs, gaming or retail, and that the owner(s) of the property shall record a restriction concerning the allowed uses at the Registry of Deeds; also gallons restrictions will be placed on each property as follows: one the 10 single family homes – 5,240 gallons, for the Christian Formation Center – 8,000 gallons and for the Franciscan Friary – 7,800 gallons; and that the Selectmen are authorized to accept such restriction on terms and conditions they deem in the best interest of the Town or take any other action related thereto.

On petition of Robert McCabe and others

**ARTICLE 26.** To see if the Town will vote to authorize the Selectmen to petition the legislature to amend the Town's Charter by adding at the end of the first sentence of Section 5 the words "except the Audit Committee", or take any action related thereto.

On request of the Town Manager

**ARTICLE 27.** To see if the Town will provide funding in the amount of \$9,000 for a Fireworks Program as part of the Fourth of July Program from available funds or take any other action related thereto.

On petition of Gerald H. Silverman and others

**ARTICLE 28.** To see if the Town will vote to appropriate a sum not to exceed \$7,650,000 for the purpose of paying costs of constructing a Senior Center on the parcel of Town-owned land located at 56 Bartlet Street, including the costs of plans, project administration, site development, parking, utilities, original equipment, furnishings, parking and circulation improvements to the adjacent municipal campus containing the Town Offices, School Administration and Doherty Middle School Buildings and for the payment of all other costs incidental and related thereto; to authorize the Board of Selectmen to acquire necessary easements by gift, by purchase, by

eminent domain or otherwise; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (3) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that no amounts shall be borrowed or expended hereunder unless and until the Town shall have voted at a Town Election to exempt the amounts required to pay any bonds or notes authorized by this vote from the provisions of Proposition 2½, so-called, or take any other action related thereto.

On request of the Senior Center Task Force

**ARTICLE 29.** To see if the Town will vote to transfer the care, custody, control and management of a parcel of land containing 28,340 square feet more or less shown as Parcel A on a plan entitled “Exhibit Plan of Land in Andover, MA” by Hancock Survey Associates, Inc. dated January 20, 2005 to the Board of Selectmen for municipal purposes, said plan being on file in the Office of the Town Clerk, and if a Senior Center is not built on said property, then the land shall revert back to the School Committee, or take any other action related thereto.

On request of the Senior Center Task Force

**ARTICLE 30.** To see if the Town will vote to authorize the School Committee to grant, and the Board of Selectmen to accept, any and all easements in and across real property at Doherty Middle School in order to construct and operate a Senior Center, including but not limited to easements for drainage, utilities, access, grading and communications or take any other action related thereto.

On request of the Senior Center Task Force

**ARTICLE 31.** To see if the Town will vote to amend Section 4.1.3. (Exceptions and Special Requirements) of the Andover Zoning Bylaw by adding a new section 4.1.3.5. as follows:

“5. *Municipal Senior Center.* Land and structures used for a municipal senior center are exempt from the lot area, frontage, building setback and off-street parking and loading requirements of this bylaw.”

or take any other action related thereto.

On request of the Senior Center Task Force

**ARTICLE 32.** To see if the Town will vote to amend Section 9.4.8.c. (Major Non-Residential Projects) of the Andover Zoning Bylaw by deleting “j” at the end of the sentence and replacing therewith the letter “k” and to see if the Town will vote to amend Section 9.5.4.3. (Procedure for Site Plan Certificate of Approval) of the Andover Zoning Bylaw by adding the following:

“k. provisions for landscaping and adequate screening and buffering.”

or take any other action related thereto.

On request of the Planning Board

**ARTICLE 33.** To see if the Town will vote to appropriate \$113,000 for the purpose of paying costs of constructing sidewalks along the west side of Moraine Street, the relocation of the entrance driveway from Moraine Street to the High School track/football field area, the construction of an additional parking area on the east side of the road opposite the softball field, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 34.** To see if the Town will vote to appropriate \$6,500,000 for the purpose of paying costs of constructing two filter units, underdrain retrofit of existing six filters and replacement of the backwash pumping system at the Water Treatment Plant and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 8 Clauses (4) and (7C) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 35.** To see if the Town will vote to rezone Assessor Parcel 18-103A on Assessor Map 18 from Industrial D to Office Park or take any other action related thereto.

On petition of Mark B. Johnson, Esq. and others

**ARTICLE 36.** To see if the Town will vote to transfer the sum of \$250,000 from water reserves and appropriate \$250,000 for the purpose of replacing and/or cleaning old water mains including costs incidental and related or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 37.** To see if the Town will vote to amend the Andover Zoning Bylaw pursuant to Section 2.3 (District Boundaries) and make the appropriate changes to the Zoning Map on Andover, Mass. to re-zone to Single Family Residence A (SRA) from Industrial D District (ID) all of the remaining portion not currently zoned SRA of those parcels of land situated on the northerly side of Fleming Avenue being more particularly shown as Lot A and Lot B on a Plan of Land entitled "Subdivision & Acceptance Plan, Raytheon Park, Raytheon Mfg. Co., December 1963 Stowers Associates, Reg. Land Surveyors, Methuen, Mass." recorded with Essex North District Registry of Deeds as Plan No. 4975 (a copy of which is on file with the

Office of the Town Clerk). Said parcels of land being a portion of Lot 4A on Town of Andover's Assessor's Map 35 or take any other action related thereto.

On petition of Andover Mills LLC and others

**ARTICLE 38.** To see if the Town will vote to transfer a sum of money from Overlay Surplus and appropriate to various fiscal years' Allowance for Abatements and Exemptions accounts or take any other action related thereto.

On request of the Chief Assessor

**ARTICLE 39.** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program or take any other action related thereto.

On request of the Council on Aging

**ARTICLE 40.** To see if the Town will vote to amend the Andover Zoning By-Law, Section 3.1.3. Table of Use Regulations, Appendix A. Table 1., Sections D.1. and 2. in the Industrial Districts by deleting the existing language under D.1. and D.2. for the Industrial Districts and replacing therewith the following:

<u>D. Manufacturing and Industrial Uses</u>	<u>IG</u>	<u>IA</u>	<u>ID</u>
1. Laboratory for research and development work, or establishment engaged in general manufacturing or other industrial work including fabrication, assembly, and uses accessory thereto generally characterized by or involving activities conducted outside of enclosed structures.	Y	Y	N
2. Laboratory for research and development work; or establishment engaged in specialized manufacturing, including fabrication and assembly, associated with computers, computer peripheral equipment, electronics, information systems and devices, communications and telecommunications, precision instruments, medical devices and equipment, pharmaceuticals, biologics and drugs, and uses accessory thereto including training activities, provided that all activities shall be conducted within enclosed structures.	Y	Y	Y

or take any other action related thereto.

On request of the Planning Board

**ARTICLE 41.** To see if the Town will vote to appropriate \$300,000 for the purpose of paying costs of plans and design for the construction of a new extension pump building and wetwell and

for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 8 Clause (4) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 42.** To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.10.3., Signs in the General Business District, by inserting after the first sentence, the text “In lieu of a freestanding sign, a projecting sign, excluding the sign structure, not to exceed nine square feet is permitted. The projecting sign shall be at least eight feet above the ground, and the top of the sign shall be no more than twenty feet from the ground level to the top of the sign.” and by adding the following definition to Section 10 “PROJECTING SIGN: A sign which is affixed to a building, is perpendicular to a building and extends horizontally no more than five feet beyond the surface to which it is affixed. No sign shall project vertically above the eave line of the roof.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 43.** To see if the Town will vote to amend the following sections in the Andover Zoning By-law: Section 5.2.14.2.b. by deleting the text “Overhanging signs should be used only in such circumstances as on side streets where overhanging positioning is necessary for visibility from a major street.”, and Section 5.2.11.3. by replacing the text “Overhanging signs” with the text “Projecting signs”, and Section 5.2.10.2. by deleting the text “or projecting from it.”, and Section 5.2.10.2. by replacing the text “an overhanging sign” with the text “a projecting sign” or take any action related thereto.

On request of the Planning Board

**ARTICLE 44.** To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.11., Signs in the Mixed Use District, by adding the following subsection “8. Use of internally illuminated signs is prohibited.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 45.** To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.4.5., Prohibited Signs or Devices, by replacing the text “No animated, revolving or flashing sign shall be permitted.” with “No animated, revolving, flashing, neon or similar gaseous tube illuminated signs shall be permitted.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 46.** To see if the Town will vote to amend the Andover Zoning By-law 5.2.8., Signs in Residential Districts, by adding the following subsection “1. Not more than two contractor signs, each not to exceed twelve square feet, maintained on the premises while construction is in

process and containing information relevant to the project. Such sign shall not be located closer than twenty-five feet from the edge of the roadway and shall be securely anchored. No part of any such sign or its structure shall be more than five feet above the ground. Such sign shall be removed within thirty days after completion of construction.” and by adding the following definition to Section 10 “CONTRACTOR SIGN: A temporary sign identifying the contractor’s pertinent information, intended to be displayed only in association with the construction, remodeling, or repair of a building or structure.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 47.** To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.4., Prohibited Signs and Devices, by adding the following subsection: “8. No A-frame signs, except as provided for in 5.2.6.5. *Temporary A-frame Sign Permit*, shall be allowed in any zoning district.” and by inserting the following definition to Section 10 “A-FRAME SIGN: A self-supporting, double-paneled, temporary sign, which panels are connected along one (1) edge and separated along the opposite edge.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 48.** To see if the Town will vote to amend the Andover Zoning By-law Section 5.2.6., Temporary Signs, by adding the following subsection “5. *Temporary A-frame Sign Permit*. The Building Inspector may issue a permit for the temporary placement of a freestanding A-frame sign which (i) announces a performance, an event, or is for directional purposes; ii) must be securely anchored so as to not blow over and is professional in appearance; iii) must be removed at the close of each business day and at the expiration of the permit; iv) may not obstruct a public or private walkway, or be placed on public property. The maximum area shall not exceed eight (8) square feet on each side, and a maximum height of five (5) feet above the ground. The temporary permit may impose limiting conditions, including among other matters the number allowed at each business property location.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 49.** To see if the Town will vote to raise by borrowing, by transfer from available funds or by any combination thereto and appropriate the sum of \$500,000 for the purpose of study, recommendation(s) and implementation of said recommendation(s) of the periodic home flooding/surcharging of drainage system affecting Burnham Road, Enmore Street, Arundel Street, Argyle Street, Carisbrooke Street, York Street and Balmoral Street and, including costs incidental and related thereto and to authorize the Board of Selectmen to acquire any necessary easements by gift, purchase or eminent domain and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said sum under and pursuant to Massachusetts General Laws Chapter 44, Sections 7 & 8 as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefore or take any other action related thereto.

On petition of Mark Pacocha and others

**ARTICLE 50.** To see if the Town will vote to amend the Andover Zoning Bylaw by inserting the number “2” in the section reference number approved under Article 39 at the 2004 Annual Town Meeting. The correct reference number will read: “4.1.3.2.b.” instead of “4.1.3.b.” or take any other action related thereto.

On request of the Planning Board

**ARTICLE 51.** To see if the Town will vote to appropriate \$858,000 for the purpose of paying costs of reconstructing sidewalks within the Town as more fully described in the Fiscal Year 2006 portion of the Town’s Sidewalk Master Plan, so-called, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clauses (5) and (6) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 52.** To see if the Town will vote to transfer the sum of \$110,000 from off-street parking receipts and appropriate \$110,000 for the purpose of purchasing and installing a pay-and-display unit at Olde Andover Village, Shawsheen Square and Memorial Hall Library parking lots, an electric vehicle replacement for parking enforcement, pay and display shelters and a message board, including costs incidental and related or take any other action related thereto.

On request of the Police Chief

**ARTICLE 53.** To see if the Town will vote to amend the Andover Zoning Bylaw by inserting the following:

I. Amend Section 10.0. Definitions, by replacing the definition of “Independent Living Residence” as follows:

**INDEPENDENT LIVING RESIDENCE:** A dwelling unit, either constructed or converted, which is intended for use and occupancy by persons who have achieved the age of fifty-five (55) years or older within the meaning of M.G.L. Chapter 151B, Section 4, Subsection 7 and 42 U.S.C. 3607(b)(2)(C). A development that contains such units shall be operated and maintained in all other respects in compliance with the requirements of the statutes above and regulations promulgated thereunder, and such development that contains such units may include common areas, a common dining facility, and a meeting space for the provision of social, psychological, recreational and educational programs.

II. Amend Appendix A, Table 1, Section 3.1.3 Table of Use Regulations, A.5.d, under SRC, to change the designation from “N” to “PB”.

III. Amend Section 7.4 Elderly Housing as follows:

Replace Section 7.4.4 with: To provide alternative housing options for a maturing population that require lower demands on Town services and lower burdens of property maintenance on residents.

Amend Section 7.4 by adding: 8. To help maintain a stable economy by preventing out-migration of residents who are an essential part of our community.

Amend Section 7.4 by adding: 9. To promote flexibility in land use planning in order to improve site layouts and protect natural features and environmental values.

Amend Section 7.4.8. Independent Living Residence – Dimensional Requirements and Design Standards by replacing the section in its entirety with the following:

The Dimensional Requirements and Design Standards for an Independent Living Residence development shall not be subject to the standards in the underlying zoning districts unless otherwise provided herein, but shall conform to the following standards:

1. Minimum Parcel Size. The minimum parcel size for an independent living project shall be 43,560 square feet, subject to other applicable minimum standards set by State and Federal law.
2. Density. The maximum allowable density shall be five thousand square feet of lot area per Independent Living Residence unit in SRA and SRB, with a maximum 60 units per independent living development. In SRC, the maximum allowable density shall be ten thousand square feet of lot area per Independent Living Residence unit with a maximum 50 units per independent living development.
3. Building Height. The construction of a new building containing one or more new Independent Living Residence unit shall not exceed forty-five feet in height as measured in accordance with the State Building Code in SRA and SRB, or thirty-five feet in SRC. The reuse, renovation or addition to structures existing as of the date of the adoption of this bylaw amendment may exceed the height limitation above but shall not exceed the height of such structures existing as of the date of adoption of this bylaw amendment.
4. Building Coverage. The maximum building coverage, including accessory buildings, shall not exceed thirty percent (30%) of the lot area for new construction or expansion of existing structures.
5. Building Setbacks. All buildings shall be set back a minimum of twenty feet from all property lines. This section does not preclude the reuse and renovation of existing structures which may not meet this setback as of the date of adoption of this bylaw amendment. The minimum separation distance between buildings shall be twenty feet.



6. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located. As part of the grant of a Special Permit under Section 7.4.2, the Planning Board may reduce the frontage requirement to not less than 40 feet of frontage on a public way, provided that a suitable private access road into the site area can be constructed with the reduced frontage in a manner deemed adequate for emergency vehicles.
7. Town Services. Any new development of Independent Living Residence units shall be serviced by public water of sufficient capacity to serve the project. If no public sewer is available and on-site sewage disposal systems are to be used, an inspection and maintenance plan shall be submitted to the Andover Board of Health for approval prior to occupancy of any unit. If the proposed development is proposed to have common dining facilities, the site shall be serviced by public sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.
8. Common Open Space. In all new independent living developments there shall be an area of common open space equal to at least thirty percent (30%) of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than fifty percent (50%) of the minimum required open space shall be situated within wetlands. A permanent conservation restriction running to or enforceable by the Town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation. Such restriction shall be in a form and substance as the Planning Board shall prescribe including the management of said conservation restriction by the Andover Conservation Commission, Trustees of Reservations, Andover Village Improvement Society, or other agency or body, all as subject to the approval of the Planning Board.
9. Parking. The minimum number of parking spaces provided on the lot shall be 2 parking spaces per independent living unit. The Planning Board, at its discretion, may require additional parking spaces to serve the needs of visitors and/or service vehicles.
10. Access and On-Site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.
11. Landscaping. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking lots, dumpster locations and loading areas except for their points of ingress and egress, shall be ten feet.
12. Affordable Component. For all new independent living developments, there shall be a percentage of the dwelling units set aside for persons that will be affordable to those households earning no more than 80% of the area median income, as defined by the

United States Department of Housing and Urban Development (HUD). For site densities of four units per acre or less, the number of affordable units in said developments shall represent at least 10% of the total. For site densities of more than four units per acre, the number of affordable units in said developments shall represent at least 15% of the total. All new affordable dwelling units shall be subject to an affordability restriction described in a deed rider, restrictive covenant, or other document approved by the Planning Board and shall be recorded at the Registry of Deeds or the Land Court. The affordability restriction shall restrict occupancy of the dwelling units to qualified persons in perpetuity or for the longest period allowed by law to enable said affordable unit to qualify for the Town's subsidized affordable housing inventory in accordance with the regulations and guidance of the Massachusetts Department of Housing and Community Development. Nothing in the affordability restrictions shall conflict with generally accepted financing standards or Massachusetts law.

13. Age Restriction. All dwellings in a new independent living development shall be subject to an age restriction described in a deed rider, restrictive covenant, or other document approved by the Planning Board and consistent with Federal and State fair housing laws and requirements, and shall be recorded at the Registry of Deeds or the Land Court. The age restriction shall restrict occupancy of the dwelling units to persons of at least the age of 55 or older, and their spouses and children, consistent with Federal and State fair housing laws and requirements. In the event of the death of a qualifying owner/occupant, the surviving spouse of a qualifying owner/occupant, regardless of age, shall be allowed to remain until death or remarriage to a non-qualifying individual consistent with Federal and State fair housing laws and requirements.

or take any other action related thereto.

On petition of Willard D. Perkins and others.

**ARTICLE 54.** To see if the Town will vote to appropriate \$250,000 for the purpose of paying costs of reconstructing the following Town-owned bridges and bridge abutments on the Shawsheen River: the Essex Street Bridge, the Andover Street Bridge, the Stevens Street Bridge, the Balmoral Street Bridge and the Central Street Bridge, and for the payment of all other costs incidental and related thereto; and that to meet this appropriation, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under and pursuant to Chapter 44, Section 7, Clause (4) of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action related thereto.

On request of the Public Works Director

**ARTICLE 55.** To see if the Town will vote to raise by taxation, by transfer from available, or by any combination of the foregoing, and appropriate the sum of \$20,000 for the purposes of engaging the services of environmental consultants to perform a mass salt balance analysis in the Fish Brook and Haggetts Pond watershed areas and issue a report of recommendations to protect

the public health, safety and quality of life in the community of Andover, or take any other action related thereto.

On request of the Board of Health

**ARTICLE 56.** To see if the Town will vote to authorize the Selectmen to request the legislature to enact special legislation in accordance with Article 97 of the Articles of Amendment to the Constitution of the Commonwealth and notwithstanding General Laws Chapter 30B, Chapter 30, Chapter 149 or any general or special law to the contrary, to (1) authorize the Town to grant a temporary construction easement to Yvon Cormier Construction Corp., a Massachusetts corporation for the purpose of constructing an underground sewer line through the William M. Wood Memorial Park shown as Parcel 6 on Assessors Map 53 and (2) change the use of the William M. Wood Memorial Park on a temporary basis to allow construction of an underground sewer line through said Park and allow the construction of an underground sewer line through the William M. Wood Memorial Park by Yvon Cormier Construction Corp., all of which is to be done with no Town funds to be used for construction of the underground sewer line through the William M. Wood Memorial Park, or take any other action related thereto.

On petition of Mark B. Johnson, Esq. and others

**ARTICLE 57.** To see if the Town will vote to transfer the sum of \$150,000 from Article 4, 2003 Annual Town Meeting - Plant and Facilities Capital Projects Fund - and appropriate \$150,000 for the purpose of remodeling, constructing, reconstructing, or making extraordinary repairs to the DPW and Plant and Facilities buildings at the existing Town Yard off Lewis Street and/or at Spring Grove Cemetery including costs incidental and related or take any other action related thereto.

On request of the Plant and Facilities Director

**ARTICLE 58.** To see if the Town will vote to accept Massachusetts General Laws Chapter 44 Section 55C establishing a municipal affordable housing trust fund or take any other action related thereto.

On request of the Andover Housing Partnership Committee

**ARTICLE 59.** To see if the Town will vote to permit Raytheon Company to design, construct and maintain a traffic signal system in compliance with State and Town regulations. Proposed signals would be installed at the entrance to the property at 350 Lowell Street (Route 133) in Andover or take any other action related thereto.

On petition of Stephen Knott and others

**ARTICLE 60.** To see if the Town will vote to authorize, but not require, an intermunicipal agreement for a term not to exceed twenty-five years, pursuant to M.G. L. Chapter 40, Section 4A, as amended, with the House of Atreus Realty Trust and the Town of Tewksbury and the City of Lowell, (unless the Selectmen determine that the City of Lowell does not need to be a party),

whereby the Town of Tewksbury will provide sewer services, and be paid by the landowners for such services, to Lots 12, 13, 14, 15, 16, 17, 25, 27 and 29 Crystal Circle which lots are located in the Town of Andover, with all such lots shown on a Plan of Land which is on file with the Town Clerk's Office, depicting the Crystal Circle Subdivision which is located in both Andover and Tewksbury, Massachusetts and to authorize, but not require, the Board of Selectmen, as the Sewer Commissioners and the Town Manager to enter into such an intermunicipal agreement in their discretion upon such terms and conditions as they may deem appropriate including requiring said sewers to be constructed in total and operational by January 1, 2007 or the agreement is null and void, the Town of Tewksbury will indemnify, defend and hold harmless the Town of Andover for all claims relating to the sewer line and sewer backup in the lots in Andover and a perpetual deed restriction for such lots stating that the Town of Andover shall have no responsibility whatsoever for the construction or maintenance of such sewers or the collection of payment for such sewer services or take any other action related thereto.

On petition of Mark B. Johnson, Esq. and others

And you are directed to serve this warrant by posting attested copies and publication thereof, fourteen days, at least, before the time and place of said meeting as directed by the Bylaws of the Town.

Hereof fail not, and make return of this warrant with your doings thereon, at the time and place of said meeting.

Given our hands this twenty-eighth day of February, 2005.

_____	)	
Brian P. Major, Chairman	)	
	)	
	)	
	)	
_____	)	
Ted T. Teichert, Vice Chairman	)	
	)	SELECTMEN
	)	
	)	
_____	)	OF
Mary K. Lyman	)	
	)	ANDOVER
	)	
	)	
_____	)	
John P. Hess	)	
	)	
	)	
_____	)	
Alexander J. Vispoli	)	

A true copy

A T T E S T

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Ronald Bertheim, Constable  
Andover, Massachusetts, March \_\_\_\_\_, 2005

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *ANDOVER TOWNSMAN*. Said warrants have been posted and published fourteen days.

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Ronald Bertheim, Constable